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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,774	03/08/2001	Pierre Plevin	P06197US01/RFH	8388

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ALEXANDRIA, VA 22314

EXAMINER
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DESIR, JEAN WICEL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 02/18/2005

3

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/800,774

Applicant(s)

PLEVEN ET AL.

Examiner

Jean W. Désir

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-22 is/are rejected.
- 7) ☒ Claim(s) 2 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Drawings*

1. Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9, 12-15, 17, 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Deshpande et al (US 6,381,362).

#### **Claim 9:**

The claimed “determining data describing a target region in said digital video composition to be replaced” is disclosed, see col. 6 lines 23-51;

the claimed "selecting an object to replace said target region based on information relating to the user" is disclosed, see col. 8 lines 7-16, col. 2 lines 19-24, col. 4 lines 50-53, col. 5 lines 62-65;

the claimed "placing said data describing said target region into said digital video data stream with said digital video composition" is disclosed, see col. 6 lines 35-51;

the claimed "and integrating said selected object into said digital video composition based upon said data describing said target region to personalize said digital video composition" is disclosed, see col. 12 lines 27-38, col. 8 lines 7-16, col. 5 lines 62-65, col. 2 lines 19-23.

Claims 12-14 are disclosed, see col. 8 lines 7-38.

Claim 15 is disclosed, see col. 12 lines 27-38.

**Claim 17:**

The claimed "a content owner for providing a digital video composition to be transmitted and data describing a target region in said digital video composition to be replaced" is disclosed, see Fig. 1 items 19, 31, 33;

the claimed "a server for receiving said digital video composition and said data describing a target region and for transmitting such composition over a digital computer network" is disclosed, see Fig. 1 items 19, 27, 15;

the claimed "an end user device for receiving said composition over said digital computer network, said end user device comprising a means for viewing said composition" is disclosed, see Fig. 1 item 17, col. 8 lines 27-38;

the claimed "means for selecting an object to replace said target region based on information relating to the end user" is disclosed, see col. 8 lines 7-16, col. 2 lines 19-24, col. 4 lines 50-53, col. 5 lines 62-65;

the claimed "and means for integrating said selected object into said digital video composition based upon said data describing said target region and said means for selecting an object to personalize said digital video composition" is disclosed, see col. 12 lines 27-38, col. 8 lines 7-16, col. 5 lines 62-65, col. 2 lines 19-23.

Claims 20, 21 are rejected for the same reasons as claims 12, 13.

Claim 22 is disclosed, see col. 12 lines 27-38.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 11, 16, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande et al (US 6,381,362).

Claim 10:

The claimed "wherein said digital video data stream comprises a compressed digital data stream" is not explicitly disclosed by Deshpande. However, the structure of the claimed limitation is very well known in the art, because compression is a very well known technique employs in the art to reduce the size of data, so that it can be stored in

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less space or transmitted with less bandwidth. Thus, and artisan would be motivated to implement this well known technique in Deshpande's disclosure to arrive at the claimed invention. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

**Claim 11:**

The claimed "wherein said information relating to said user comprises information related to the language of the viewing software used by the user" is not explicitly disclosed by Deshpande. However, in view of the Deshpande's disclosure the claimed limitation is at level of one ordinary skill in the art, because Deshpande suggests that the disclosure may be tailored to selected audiences or to specific users (see col. 2 lines 19-24, col. 9 lines 15-21), for instance according to a user profiles; and "information related to the language of the viewing software used by the user" would have been considered to an artisan as a user's profile. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 16 is rejected for the same reasons as claim 11.

Claim 18 is rejected for the same reasons as claim 10.

Claim 19 is rejected for the same reasons as claims 11, 16.

6. Claims 1, 3, 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over BACKGROUND OF THE INVENTION, Figs. 1-4.

**Claim 1:**

The claimed “at least one television camera for producing a sequence of video images of a scene (clean feed)” is disclosed, see Figs. 2-4 items 10a-10c, 31, 21, page 5 paragraph [0009] lines 5-6;

the claimed “a control room located on-site with said at least one camera and including broadcast image processing means for receiving said clean feed and for adding layers of graphics to said clean feed to produce corresponding video images (dirty feed) and means for outputting said dirty feed in digital form” is disclosed, see Figs. 2-4 items 30, 21, page 5 paragraph [0009] last 5 lines;

the claimed “and virtual insertion means, locate off-site from said at least one camera, for receiving said dirty feed and for modifying said dirty feed by replacing selected portions of said target region of said video images in said dirty feed with a replacement pattern adapted to be inserted into said target region, said selected portions being only those portions of said target region that are not modified with said added layers of graphics” is disclosed, see Fig. 4 items 22, 40, 50, page 6 paragraph [0010] lines 8-10, page 1 paragraph [0003];

the difference between the claimed invention and the background art is that the claimed limitation “and means for outputting said dirty feed in digital form” is not explicitly disclosed, verbatim, by the background art. However, means for outputting video images in digital form is very well known in the art, Official Notice is taken on that. An artisan would be motivated to modify the background art to include this well known feature, because this modification would enhance the quality of the video images.

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Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 3 is disclosed, see Fig. 4 items 30, 22, page 6 paragraph [0010] lines 5-10, page 1 paragraph [0003].

**Claim 5** is rejected for the same reasons as claim 1.

Claim 7 is rejected for the same reasons as claim 3.

7. Claims 4, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over BACKGROUND OF THE INVENTION, Figs. 1-4 in view of Hanna et al (US 5,566,251).

Claim 4:

The claimed limitation "wherein said target region in said video images is in a chroma key color and said added graphics are in a different color and said virtual insertion means replaces only those portions of said target region in said dirty feed that are in said chroma key color" is not explicitly disclosed, verbatim, by the background art. However, the background art is dealing with video images insertion and video images insertion that employs chroma key color insertion as claimed is a very well known technique in the art (as evidence see Hanna at the Title, Figs. 1-5, col. 3 line 46 to col. 4 line 7). An artisan would be motivated to include this well known technique in the background art in order to obtained video images insertion. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 8 is rejected for the same reasons as claim 4.



***Allowable Subject Matter***

8. Claims 2, 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (703) 308 9571. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305 4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JWD**  
**Feb. 3, 05**

  
**JOHN MILLER**  
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